



AF/3628
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re patent application of:

) Date: August 8, 2003

Glen A. BOUCHER, et al.

) Attorney Docket No.: E-909

Serial No.: 09/411,125

) Customer No.: 00919

Filed: October 4, 1999

) Group Art Unit: 3628

Confirmation No.: 7876

) Examiner: Debra F. Charles

Title: A METHOD AND SYSTEM FOR RESOLUTION OF CARRIER SPECIFIC
DATA UTILIZING A GENERIC DATA MODEL

TRANSMITTAL OF APPEAL BRIEF (PATENT APPLICATION 37 CFR 1.192)

Mail Stop Appeal Brief-Patents
Commissioner for Patents
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Alexandria, VA 22313-1450

Sir:

Transmitted herewith in **triplicate** is the **APPEAL BRIEF** in the above-identified patent application with respect to the Notice of Appeal filed on June 6, 2003.

Pursuant to 37 CFR 1.17(c), the fee for filing the Appeal Brief is \$320.00

The total fee due is:

Appeal Fee: \$320.00

Total Fee Due: \$320.00

Please charge Deposit Account No. **16-1885** in the amount of \$320.00 to cover the above fees.

The Commissioner is hereby authorized to charge any additional fees which may be required to Deposit Account No. **16-1885**. A duplicate copy of this transmittal is enclosed for use in charging the Deposit Account.

Respectfully submitted,

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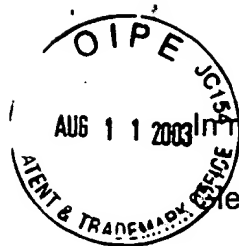
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Marlene Olphonse
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August 8, 2003
Date

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In the patent application of:

) Customer No.: 00919

John A. Boucher, et al.

) Attorney Docket No.: E-909

Serial No.: 09/411,125

) Group Art Unit: 3628

Filed: October 4, 1999

) Examiner: Debra F. Charles

Confirmation No.: 7876

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Title: A METHOD AND SYSTEM FOR RESOLUTION OF CARRIER
SPECIFIC DATA UTILIZING A GENERIC DATA MODEL

APPELLANTS' BRIEF

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Sir:

Appellants respectfully submit the following Appeal Brief in the appeal of the above-captioned application. A Notice of Appeal was filed on June 9, 2003.

This Appeal Brief, under 37 C.F.R. § 1.192, is being filed in triplicate. The Appeal Fee in the amount of \$320.00 in accordance with 37 C.F.R. § 1.17(c), should be charged to Deposit Account Number 16-1885. If the fees for this appeal are deemed to be insufficient, authorization is hereby given to charge any deficiency (or credit any balance) to Deposit Account Number 16-1885.

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I. REAL PARTY IN INTEREST:

Pitney Bowes Inc., a Delaware corporation having its principal place of business at One Elmcroft Road, Stamford, Connecticut 06926, is the real party in interest by way of assignment of the entire interest from the inventors. This assignment is recorded in the United States Patent and Trademark Office at reel/frame:010301/0714.

II. RELATED APPEALS AND INTERFERENCES:

None.

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III. STATUS OF THE CLAIMS:

(1) This application was originally filed with 20 claims. Claims 1-20 stand rejected. None of the claims were amended during prosecution and Claims 1-20, as originally presented, are the subject of this Appeal.

(2) Appellants hereby appeal the final rejection of Claims 1-20.

IV. STATUS OF THE AMENDMENTS:

(1) A First Office Action was mailed on June 28, 2002, rejecting Claims 1-20. A Response under 37 C.F.R. § 1.121 was filed on October 28, 2002, which amended the Specification and presented arguments for the allowability of Claims 1-20. A Final Office Action was mailed on January 13, 2003, finally rejecting Claims 1-20. A Response under 37 C.F.R. § 1.116 was filed on April 8, 2003, which presented arguments for the allowability of Claims 1-20. An Advisory Action was mailed on May 19, 2003, indicating that the request for reconsideration was considered but did not place the application in condition for allowance. A Notice of Appeal was filed on June 9, 2003.

(2) Appendix A, attached hereto, contains Claims 1-20, which are the subject of this appeal.

V. SUMMARY OF THE INVENTION:

The claimed invention provides a system and method of retrieving shipment data using destination information, as well as the carrier and level of service data models. A delivery commitment system returns information concerning the number of days, the delivery, the latest time of delivery, and whether the delivery is guaranteed based upon selected parameters concerning the origin and destination of the package. (See page 20, lines 15-24 of the Specification.) Carrier specific data can be stored in a common, carrier-independent form including an origin map, destination maps, a service token map, a zone token map, and a delivery commitment matrix. Origins and destinations can be defined by five-digit ZIP codes and the service can be identified by a TokenID. (See page 18, lines 12-23 of the Specification.) Each origin can be mapped to a destination within the destination map, where each destination in the destination map is resolved to a service level index. The desired class of service, as identified by a carrier's TokenID, is resolved in a look-up table to a service column index. The service level index and the service column index are then used as indices into a delivery commitment matrix to provide delivery commitment data. Zone mapping is also supported to obtain such delivery commitment data. (See page 7, line 15- page 9, line 14 of the Specification.)

More specifically, Claims 1-20 are directed toward a method for determining carrier specific commitment data for the shipment of a package from an origin to a destination by a carrier, that includes determining the destination area for the package based upon its intended destination and determining the service level supported by the carrier for the destination area. A desired class of service for a package with respect to its delivery by the carrier is determined and based upon the determined class of service for the package, determining a service column index value. A cell in a delivery commitment matrix is located, based upon the service level supported by the carrier for the destination area and the class of service desired, wherein each cell contains the delivery commitment information for that carrier for the specified service level and class of service desired, and the delivery commitment information for the specified cell is read.

This summary is not intended to supplant the description of the claimed subject matter as provided in the claims as recited in Appendix A, as understood in light of the entire specification.

VI. ISSUES:

The Rejections

Claims 1, 3, 7, 9, 11, 13, 17 and 19 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent No. 6,035,291 (Thiel). Claims 2, 4, 5, 6, 8, 10, 12, 14, 15, 16, 18 and 20 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable in view of the combination of Thiel and U.S. Patent No. 5,778,348 (Manduley).

Issue for Appeal

Whether the rejection of Claims 1-20 under 35 U.S.C. § 103(a) is proper.

VII. GROUPING OF CLAIMS:

Claims 1-20 stand together.

VIII. ARGUMENTS:

To establish a rejection under 35 U.S.C. § 103(a), the Examiner is required to show that though the invention is not identically disclosed or described as set forth in section 102, that the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Appellants respectfully submit that Claims 1-20 are allowable in view of the prior art of record. Claims 1-20 are pending, Claims 1, 7, 11 and 17 are independent.

Independent Claim 1 recites, *inter alia*:

...based upon the determined class of service
for the package, determining a service column
index value,...

- (e) based upon the service level supported by the carrier for the destination area and the class of service desired, locating a cell in a delivery commitment matrix, wherein each cell contains the delivery commitment information for that carrier for the specified service level and class of service desired, and
- (f) reading said delivery commitment information for the specified cell.

As understood by Appellants, Thiel relates to a method and arrangement for data processing in a shipping system with a postage meter machine including automatic selection of the most beneficial carrier. This is accomplished by initializing the franking system with preselection of a group of carriers from which the desired carrier can be subsequently selected, processing inputs with respect to service demands made of the carrier and automatic selection of those carriers from the group of carriers that meet the service demands.

Appellants submit that while Thiel relates generally to a shipping system to select the most beneficial carrier, nothing has been found in Thiel that would teach or suggest a service column index, as recited in Appellants' Claim 1.

Appellants understand that the Examiner is relying on the Abstract, Figures 1a, 1b, 1c and 1d, Col. 28, lines 65-67 and Col. 29, lines 1-5 of the Thiel patent. Appellants have specifically reviewed those portions, and submit that Thiel teaches that after the postage meter machine FM is turned on, a communication request is formed in the aforementioned sub-steps in order to initiate an automatic communication with the data center dc, for example via modem 23, and in order to implement a corresponding data transmission for the updating the database as needed. Appellants submit that Thiel fails to teach or suggest the service column index and therefore, Claim 1 is allowable.

Furthermore, Appellants submit that nothing has been found in Thiel that would teach or suggest that based upon the service level supported by the carrier for the destination area and the class of service desired, locating a cell in a delivery commitment matrix, wherein each cell contains the delivery commitment information for that carrier for the specified service level and class of service desired, as recited in Claim 1.

Finally, Appellants submit that upon review of the Examiner's rejection, and further review of Thiel, nothing has been found in Thiel that would teach or suggest reading the delivery commitment information for the specified cell, as recited in Claim 1. Therefore, Appellants submit that Claim 1 is allowable.

Claim 7 recites, *inter alia*:

- A method for determining carrier specific commitment data for the shipment of a package... comprising the steps of...
- (b) based upon the received zone and the class of service desired, determining if a service column index value is assigned for the desired class of service and if not, obtaining a zone token associated with that class of service,
- (c) based upon the zone token and the received zone, locating a cell in a zone map matrix, wherein each cell contains the delivery commitment information for that carrier for the specified service level and class of service desired, and
- (d) reading said delivery commitment information for the specified cell.

Appellants understand that the Examiner is rejecting Claim 7 on the same grounds as the rejection of Claim 1. Appellants submit that nothing has been found in Thiel that would teach or suggest that based upon the received zone and the class of service desired, determining if a service column index value is assigned for the desired class of service and if not, obtaining a zone token associated with that class of service, as recited in Claim 7.

Additionally, Appellants submit that nothing has been found in Thiel that would teach or suggest that based upon the zone token and the received zone, locating a cell in a zone map matrix, wherein each cell contains the delivery commitment information for that carrier for the specified service level and class of service desired, as recited in Claim 7.

Finally, Appellants submit that nothing has been found in Thiel that would teach or suggest reading said delivery commitment information for the specified cell, as recited in Claim 7. Therefore, Appellants submit that Claim 7 is allowable.

Claim 11 recites, *inter alia*:

- A system for determining carrier specific commitment data... comprising...
- (b) means for determining the service level supported by the carrier for the destination area,

- (c) means for determining a desired class of service for a package with respect to its delivery by the carrier,
- (d) means, based upon the determined class of service for the package, for determining a service column index value,
- (e) means, based upon the service level supported by the carrier, for the destination area and the class of service desired, locating a cell in a delivery commitment matrix, wherein each cell contains the delivery commitment information for that carrier for the specified service level and class of service desired, and
- (f) means for reading said delivery commitment information for the specified cell.

Appellants understand that the Examiner is rejecting Claim 11 on the same grounds as the rejection of Claim 1 (pages 3-4 of the Final Office Action). Appellants submit that nothing has been found in Thiel that would teach or suggest means, based upon the determined class of service for the package, for determining a service column index value, as recited in Claim 11.

Secondly, Appellants submit that nothing has been found in Thiel that would teach or suggest means, based upon the service level supported by the carrier, for the destination area and the class of service desired, locating a cell in a delivery commitment matrix, wherein each cell contains the delivery commitment information for that carrier for the specified service level and class of service desired, as recited in Claim 11.

Thirdly, Appellants submit that nothing has been found in Thiel that would teach or suggest means for reading said delivery commitment information for the specified cell, as recited in Claim 11. Therefore, Appellants submit that Claim 11 is allowable.

Claim 17 recites, *inter alia*:

- A system for determining carrier specific commitment data...comprising...
- (b) means, based upon the received zone and the class of service desired, for determining if a service column index value is assigned for the class of service and if not, obtaining a zone token associated with that class of service,
 - (c) means, based upon the zone token and the received zone, for locating a cell in a zone map matrix, wherein each cell contains the delivery commitment information for that carrier for the specified service level and class of service desired, and

- (d) means for reading said delivery commitment information for the specified cell.

Appellants understand that the Examiner is rejecting Claim 17 on the same grounds as the rejection of Claim 1 (pages 3-4 of the Final Office Action). Appellants submit that nothing has been found in Thiel that would teach or suggest means, based upon the received zone and the class of service desired, for determining if a service column index value is assigned for the class of service and if not, obtaining a zone token associated with that class of service, as recited in Claim 17.

Secondly, Appellants submit that nothing has been found in Thiel that would teach or suggest means, based upon the zone token and the received zone, for locating a cell in a zone map matrix, wherein each cell contains the delivery commitment information for that carrier for the specified service level and class of service desired, as recited in Claim 17.

Thirdly, Appellants submit that nothing has been found in Thiel that would teach or suggest means for reading said delivery commitment information for the specified cell, as recited in Claim 17. Therefore, Appellants submit that Claim 17 is allowable.

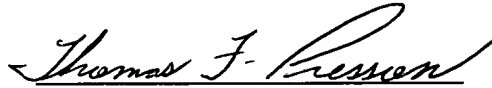
Appellants have also reviewed Manduley, which was used as a secondary reference to reject dependent Claims 2, 4, 5, 6, 10, 12, 12, 15, 16, 18 and 20, and submit that nothing has been found in Manduley that, when combined with Thiel, would render Claims 1, 7, 11 or 17 unpatentable.

Claims 2-6, 8-10, 12-16 and 18-20 are dependent from one of the independent claims discussed above, and are therefore believed patentable for the same reasons. Furthermore, each dependent claim is also deemed to define an additional aspect of the invention and is believed to be patentable on its own merits.

IX. **CONCLUSION:**

For the reasons advanced above, Appellants respectfully submit that Claims 1-20 are patentable. Therefore, reversal of the rejection by the Examiner is respectfully solicited.

Respectfully submitted,

A handwritten signature in cursive script, reading "Thomas F. Presson". The signature is written in black ink and is positioned above the printed name.

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Application Serial No.: 09/411,125

**A METHOD AND SYSTEM FOR RESOLUTION OF CARRIER SPECIFIC DATA
UTILIZING A GENERIC DATA MODEL**

APPENDIX A TO APPELLANTS' APPEAL BRIEF

Copy of Claims 1-20

1. A method for determining carrier specific commitment data for the shipment of a package from an origin to a destination by a carrier, comprising the steps of:
 - (a) determining the destination area for the package based upon its intended destination,
 - (b) determining the service level supported by the carrier for the destination area, *no and*
 - (c) determining a desired class of service for ~~a~~ ^{the} package with respect to its delivery by the carrier,
 - (d) based upon the determined class of service for the package, determining a service column index value;
 - (e) based upon the service level supported by the carrier for the destination area and the class of service desired, locating a cell in a delivery commitment matrix, wherein each cell contains the delivery commitment information for that carrier for the specified service level and class of service desired, and *a ?*
 - (f) reading said delivery commitment information for the specified cell. *a ?*
2. A method for determining carrier specific commitment data as defined in claim 1, wherein the service column index values and class of services are maintained in a token map.
3. The method of claim 1 wherein said delivery commitment information is verified relative to a real time clock; and, if said verified delivery commitment information is at a time later than a pre-determined cut-off time, then posting a notification of said later time and determining whether or not said selected carrier and/or said selected service

is to be maintained or whether an alternative carrier and/or alternative service is to be selected.

4. A method for determining carrier specific commitment data as defined in claim 2, wherein service levels supported by a carrier are maintained in a destination map, wherein for each destination area supported by the carrier information is stored in a location of the destination map related to the service level supported by the carrier for that destination area.
5. A method for determining carrier specific commitment data as defined in claim 4, wherein the destination map has a location for each postal ZIP code and wherein a code is stored in each such location.
6. A method for determining carrier specific commitment data as defined in claim 5, wherein a null code is stored in each destination map postal ZIP code location which is not supported by the carrier.
7. A method for determining carrier specific commitment data for the shipment of a package from an origin to a destination by a carrier, further comprising the steps of:
 - (a) receiving a zone based upon the origin and destination of the package,
 - (b) based upon the received zone and the class of service desired, determining if a service column index value is assigned for the desired class of service and if not, obtaining a zone token associated with that class of service,
 - (c) based upon the zone token and the received zone, locating a cell in a zone map matrix, wherein each cell contains the delivery commitment information for that carrier for the specified service level and class of service desired, and
 - (d) reading said delivery commitment information for the specified cell.
8. A method for determining carrier specific commitment data as defined in claim 7, further comprising the step of:

determining the desired carrier from a plurality of carriers and based upon the determined carrier assigning a code related to the service level supported by that carrier

for a specific destination area into a carrier specific destination map for all destinations supported by that carrier and wherein the token map and delivery commitment map contain specific information for the delivery commitment for that carrier so as to determine delivery commitment information which is specific for the specified carrier.

9. The method of claim 7 wherein said delivery commitment information is verified relative to a real time clock; and, if said verified delivery commitment information is at a time later than a pre-determined cut-off time, then posting a notification of said later time and determining whether or not said selected carrier and/or said selected service is to be maintained or whether an alternative carrier and/or alternative service is to be selected.
10. A method for determining carrier specific commitment data as defined in claim 8, further wherein the carrier supports origin dependent delivery commitment information and wherein a separate destination map is provided for each origin dependent delivery commitment for that carrier, wherein each delivery map has assigned a code related to the service level supported by that carrier for each destination area supported by that carrier, and further comprising the step of determining the origin area of the package based upon its origin and determining the code associated with that origin area representing the origin dependent delivery commitment for that carrier for that origin and using this information to access a corresponding destination map associated with the value in the origin area for determining the service level supported by the carrier for the destination area based upon the origin area.
11. A system for determining carrier specific commitment data for the shipment of a package from an origin to a destination by a carrier, comprising:
 - (a) means for determining the destination area for the package based upon its intended destination,
 - (b) means for determining the service level supported by the carrier for the destination area,
 - (c) means for determining a desired class of service for a package with respect to its delivery by the carrier,

- (d) means, based upon the determined class of service for the package, for determining a service column index value,
 - (e) means, based upon the service level supported by the carrier, for the destination area and the class of service desired, locating a cell in a delivery commitment matrix, wherein each cell contains the delivery commitment information for that carrier for the specified service level and class of service desired, and
 - (f) means for reading said delivery commitment information for the specified cell.
12. A system for determining carrier specific commitment data as defined in claim 11, wherein the service column index values and class of services are maintained in a token map.
13. The system of claim 11 wherein a real time clock is utilized to verify said delivery commitment information; and, if said verified delivery commitment information is at a time later than a pre-determined cut-off time, then posting a notification of said later time and determining whether or not said selected carrier and/or said selected service is to be maintained or whether an alternative carrier and/or alternative service is to be selected.
14. A system for determining carrier specific commitment data as defined in claim 12, wherein service levels supported by a carrier are maintained in a destination map, wherein for each destination area supported by the carrier information is stored in a location of the destination map related to the service level supported by the carrier for that destination area.
15. A system for determining carrier specific commitment data as defined in claim 14, wherein the destination map has a location for each postal ZIP code and wherein a code is stored in each such location.
16. A method for determining carrier specific commitment data as defined in claim 15, wherein a null code is stored in each destination map postal ZIP code location which is not supported by the carrier.

17. A system for determining carrier specific commitment data for the shipment of a package from an origin to a destination by a carrier, further comprising:
 - (a) means for receiving a zone based upon the origin and destination of the package,
 - (b) means, based upon the received zone and the class of service desired, for determining if a service column index value is assigned for the class of service and if not, obtaining a zone token associated with that class of service,
 - (c) means, based upon the zone token and the received zone, for locating a cell in a zone map matrix, wherein each cell contains the delivery commitment information for that carrier for the specified service level and class of service desired, and
 - (d) means for reading said delivery commitment information for the specified cell.
18. A method for determining carrier specific commitment data as defined in claim 17, further comprising:
 - (a) means for determining the desired carrier from a plurality of carriers and based upon the determined carrier assigning a code related to the service level supported by that carrier for a specific destination area into a carrier specific destination map for all destinations supported by that carrier and wherein the token map and delivery commitment map contain specific information for the delivery commitment for that carrier so as to determine delivery commitment information which is specific for the specified carrier.
19. The system of claim 17 wherein a real time clock is utilized to verify said delivery commitment information; and, if said verified delivery commitment information is at a time later than a pre-determined cut-off time, then posting a notification of said later time and determining whether or not said selected carrier and/or said selected service is to be maintained or whether an alternative carrier and/or alternative service is to be selected.
20. A system for determining carrier specific commitment data as defined in claim 18, further wherein the carrier supports origin dependent delivery commitment information and wherein a separate destination map is provided for each origin

dependent delivery commitment for that carrier, wherein each delivery map has assigned a code related to the service level supported by that carrier for each destination area supported by that carrier, and further comprising means for determining the origin area of the package based upon its origin and means for determining the code associated with that origin area representing the origin dependent delivery commitment for that carrier for that origin and using this information to access a corresponding destination map associated with the value in the origin area for determining the service level supported by the carrier for the destination area based upon the origin area.